

In re **Carlton E Wheeler**

Case No.

**16-42142**

**Debtor**

Chapter

**13**

**UNITED STATES BANKRUPTCY COURT  
District of Massachusetts  
Central Division**

**DEBTOR'S MOTION TO APPROVE SUPPLEMENTAL SCHEDULE J**

**NOW COMES** Carlton E Wheeler, in the above captioned matter, and respectfully moves the Court for an order allowing the Debtor's Supplemental Schedule J to be amended.

The Debtor states as follows:

1. Debtor commenced this case on December 16, 2016 by filing a Voluntary Petition for Relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.
2. The §341 Meeting was held as scheduled on January 27, 2017.
3. Rule 1009(a) of the Rules of Bankruptcy Procedure provides that a Debtor may amend a schedule as a matter of course prior to the closing of the case.
4. Schedule J, is no longer a true and accurate representation of Debtor's income, expenses and disposable income.
5. Debtor's Supplemental Schedule J are attached to this motion.

**WHEREFORE**, Debtor prays that this Court approve Supplemental Schedule J and order any other relief that is fair and equitable.

Dated: June 30, 2017

Respectfully Submitted by,  
Carlton E Wheeler  
Through his Attorney,

/s/ Robert W. Kovacs, Jr. LC \_\_\_\_\_  
Robert W. Kovacs, Jr.  
Attorney for Debtor(s)  
Bar No.: 671497  
Law Office of Robert W. Kovacs, Jr.  
172 Shrewsbury Street  
Worcester, MA 01604  
Telephone No.: (508) 926-8833  
E-Mail: [Robert@RKovacsLaw.com](mailto:Robert@RKovacsLaw.com)

**Fill in this information to identify your case:**

Debtor 1 Carlton E. Wheeler

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS,  
WORCESTER DIVISION

Case number 4:16-bk-42142  
(If known)

Check if this is:

- ☒ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

## Official Form 106J

### Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

#### Part 1: Describe Your Household

1. Is this a joint case?

☒ No. Go to line 2.

☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.

2. Do you have dependents? ☒ No

Do not list Debtor 1 and Debtor 2.

☐ Yes. Fill out this information for each dependent.....

Do not state the dependents names.

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

- ☐ No  
☐ Yes  
☐ No  
☐ Yes  
☐ No  
☐ Yes  
☐ No  
☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No  
☐ Yes

#### Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 2,819.11

If not included in line 4:

4a. Real estate taxes

4a. \$ 0.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 50.00

4d. Homeowner's association or condominium dues

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

CW

Debtor 1 **Wheeler, Carlton E.**

Case number (if known) **4:16-bk-42142**

<b>6. Utilities:</b>		
6a. Electricity, heat, natural gas	6a. \$	<b>450.00</b>
6b. Water, sewer, garbage collection	6b. \$	<b>0.00</b>
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	<b>400.00</b>
6d. Other. Specify: <u>garbage collection</u>	6d. \$	<b>45.00</b>
<b>7. Food and housekeeping supplies</b>	7. \$	<b>400.00</b>
<b>8. Childcare and children's education costs</b>	8. \$	<b>0.00</b>
<b>9. Clothing, laundry, and dry cleaning</b>	9. \$	<b>50.00</b>
<b>10. Personal care products and services</b>	10. \$	<b>50.00</b>
<b>11. Medical and dental expenses</b>	11. \$	<b>15.00</b>
<b>12. Transportation.</b> Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$	<b>600.00</b>
<b>13. Entertainment, clubs, recreation, newspapers, magazines, and books</b>	13. \$	<b>145.00</b>
<b>14. Charitable contributions and religious donations</b>	14. \$	<b>0.00</b>
<b>15. Insurance.</b> Do not include insurance deducted from your pay or included in lines 4 or 20.		
15a. Life insurance	15a. \$	<b>0.00</b>
15b. Health insurance	15b. \$	<b>0.00</b>
15c. Vehicle insurance	15c. \$	<b>100.00</b>
15d. Other insurance. Specify: _____	15d. \$	<b>0.00</b>
<b>16. Taxes.</b> Do not include taxes deducted from your pay or included in lines 4 or 20.		
Specify: <u>est. income tax</u>	16. \$	<b>600.00</b>
Specify: <u>excise tax</u>	\$	<b>50.00</b>
<b>17. Installment or lease payments:</b>		
17a. Car payments for Vehicle 1	17a. \$	<b>370.00</b>
17b. Car payments for Vehicle 2	17b. \$	<b>0.00</b>
17c. Other. Specify: _____	17c. \$	<b>0.00</b>
17d. Other. Specify: _____	17d. \$	<b>0.00</b>
<b>18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).</b>	18. \$	<b>0.00</b>
<b>19. Other payments you make to support others who do not live with you.</b>	\$	<b>0.00</b>
Specify: _____		
<b>20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.</b>		
20a. Mortgages on other property	20a. \$	<b>0.00</b>
20b. Real estate taxes	20b. \$	<b>0.00</b>
20c. Property, homeowner's, or renter's insurance	20c. \$	<b>0.00</b>
20d. Maintenance, repair, and upkeep expenses	20d. \$	<b>0.00</b>
20e. Homeowner's association or condominium dues	20e. \$	<b>0.00</b>
<b>21. Other:</b> Specify: <u>bank fees</u>	21. +\$	<b>25.00</b>
<u>money orders chapter 13 trustee</u>	+\$	<b>5.00</b>
<u>Incidentals</u>	+\$	<b>50.00</b>
<u>tax preparation</u>	+\$	<b>20.00</b>
<b>22. Calculate your monthly expenses</b>		
22a. Add lines 4 through 21.	\$	<b>6,244.11</b>
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	\$	
22c. Add line 22a and 22b. The result is your monthly expenses.	\$	<b>6,244.11</b>
<b>23. Calculate your monthly net income.</b>		
23a. Copy line 12 (your combined monthly income) from Schedule I.	23a. \$	<b>8,910.66</b>
23b. Copy your monthly expenses from line 22c above.	23b. -\$	<b>6,244.11</b>
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$	<b>2,666.55</b>
<b>24. Do you expect an increase or decrease in your expenses within the year after you file this form?</b> For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?		
<input checked="" type="checkbox"/> No.		
<input type="checkbox"/> Yes. Explain here: _____		

Fill in this information to identify your case:

Debtor 1 Carlton E. Wheeler  
First Name Middle Name Last Name

Debtor 2  
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS, WORCESTER DIVISION

Case number 4:16-bk-42142  
(if known)

☐ Check if this is an amended filing

Official Form 106Dec

**Declaration About an Individual Debtor's Schedules**

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person \_\_\_\_\_

Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Carlton E. Wheeler

Carlton E. Wheeler  
Signature of Debtor 1

Signature of Debtor 2

Date June 5, 2017

Date \_\_\_\_\_

**Fill in this information to identify your case:**

Debtor 1 Carlton E. Wheeler  
 First Name Middle Name Last Name

Debtor 2  
 (Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS, WORCESTER DIVISION

Case number 4:16-bk-42142  
 (if known)

☒ Check if this is an amended filing

## Official Form 106Sum

### Summary of Your Assets and Liabilities and Certain Statistical Information

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

#### Part 1: Summarize Your Assets

**Your assets**  
Value of what you own

1. **Schedule A/B: Property** (Official Form 106A/B)
- 1a. Copy line 55, Total real estate, from Schedule A/B..... \$ 625,828.00
- 1b. Copy line 62, Total personal property, from Schedule A/B..... \$ 29,003.00
- 1c. Copy line 63, Total of all property on Schedule A/B..... \$ 654,831.00

#### Part 2: Summarize Your Liabilities

**Your liabilities**  
Amount you owe

2. **Schedule D: Creditors Who Have Claims Secured by Property** (Official Form 106D)
- 2a. Copy the total you listed in Column A Amount of claim, at the bottom of the last page of Part 1 of Schedule D... \$ 620,289.00
3. **Schedule E/F: Creditors Who Have Unsecured Claims** (Official Form 106E/F)
- 3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of Schedule E/F..... \$ 2,078.73
- 3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of Schedule E/F..... \$ 43,663.74

**Your total liabilities** \$ 666,031.47

#### Part 3: Summarize Your Income and Expenses

4. **Schedule I: Your Income** (Official Form 106I)  
Copy your combined monthly income from line 12 of Schedule I..... \$ 8,910.66
5. **Schedule J: Your Expenses** (Official Form 106J)  
Copy your monthly expenses from line 22c of Schedule J..... \$ 6,244.11

#### Part 4: Answer These Questions for Administrative and Statistical Records

6. **Are you filing for bankruptcy under Chapters 7, 11, or 13?**
- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes
7. **What kind of debt do you have?**
- ☒ **Your debts are primarily consumer debts.** Consumer debts are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☐ **Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

CW

Debtor 1 Wheeler, Carlton E.

Case number (if known) 4:16-bk-42142

8. From the **Statement of Your Current Monthly Income**: Copy your total current monthly income from Official Form 122A-1 Line 11; OR, Form 122B Line 11; OR, Form 122C-1 Line 14.

\$ 6,286.58

9. Copy the following special categories of claims from Part 4, line 6 of **Schedule E/F**:

From Part 4 on **Schedule E/F**, copy the following:

Total claim

9a. Domestic support obligations (Copy line 6a.)	\$ <u>0.00</u>
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ <u>2,078.73</u>
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ <u>0.00</u>
9d. Student loans. (Copy line 6f.)	\$ <u>0.00</u>
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ <u>0.00</u>
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+\$ <u>0.00</u>

9g. **Total.** Add lines 9a through 9f.

\$ 2,078.73

C W

In re **Carlton E Wheeler**  
**Debtor**

Case No. **16-42142**  
Chapter **13**

**UNITED STATE BANKRUPTCY COURT**  
**District of Massachusetts**

**Certificate of Service**

I hereby certify that on June 30, 2017, I electronically served

- Debtor's MOTION TO APPROVE SUPPLEMENTAL SCHEDULE J
- Debtor's SUPPLEMENTAL SCHEDULE J

via the CM/ECF System of the United States Bankruptcy Court for the District of Massachusetts upon the

- United States Trustee and
- the Standing Chapter 13 Trustee
- U.S. Bank National Association represented by Andrew Cannella
- Wells Fargo Bank. N.A. represented by Michael E Swain and Stephanie E. Babin

**Manual Notice List**

I further certify that I, served a copy of the same by first class mail, postage prepaid, on the non CM/EFC participants on the list below:

**Carlton E. Wheeler**  
355 W Hartford Ave  
Uxbridge, MA 01569

Date: June 30, 2017

By:

/s/ Robert W. Kovacs, Jr. LC  
Robert W. Kovacs, Jr.  
BBO# 671497  
Law Office of Robert W. Kovacs, Jr.  
172 Shrewsbury Street  
Worcester, MA 01604  
(508) 926 – 8833  
Robert@RKovacsLaw.com